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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

1459.0100290 (1459-VIXS029)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature_____ Typed or printed name _____	**Application Number** 10/081,084 **Filed** 2/22/02 **First Named Inventor** Indra LAKSONO **Art Unit** 2623 **Examiner** Justin E. SHEPARD

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
      Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☑ attorney or agent of record.
Registration number _____51,596_____.

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

/Ryan S. Davidson/
Signature

Ryan S. Davidson
Typed or printed name

512-439-7100
Telephone number

January 28, 2008
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Indra LAKSONO, et al.
Title:	SYSTEM AND METHOD TO PROVIDE VIDEO TO A PLURALITY OF WIRELESS DISPLAY DEVICES

App. No.:	10/081,084	Filed:	February 22, 2002
Examiner:	Justin E. SHEPARD	Group Art Unit:	2623
Customer No.:	29331	Confirmation No.:	2352
Atty. Dkt. No.:	1459.0100290 (1459-VIXS029)		

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REMARKS IN SUPPORT OF
THE PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

In response to the Final Office Action mailed October 30, 2007 (hereinafter "the Final Action") and the Advisory Action mailed December 13, 2007, and pursuant to the Notice of Appeal and Pre-Appeal Brief Request for Review submitted herewith, the Applicants request review of the following issues on appeal.

In order to facilitate full consideration of the remarks filed herewith, the Applicants respectfully request that the Art Unit Supervisor designate a panel composed of at least three examiners.

Deshpande fails to disclose or suggest determining, at a networked display device, a first multicast address from a plurality of multicast addresses based on the first data transmission rate of a transmission connection of the networked display device

At page 2 of the Final Action, claim 58 is rejected under 35 U.S.C. § 102(e) as being anticipated by Deshpande (U.S. Patent No. 7,191,246). Independent claim 58 recites the features of "determining, *at the networked display device*, a first *multicast address* from a plurality of multicast addresses based on the first data transmission rate [of a transmission connection of the networked display device], each of the plurality of multicast addresses associated with a corresponding version of a plurality of versions of a video stream." As discussed at pages 3 and 4 of the Response filed October 4, 2007 (hereinafter, "the First Previous Response") and at pages

2-5 of the Response filed November 29, 2007 (hereinafter, "the Second Previous Response"), Deshpande fails to disclose or suggest that Deshpande's display receivers (alleged to be the claimed network display device) determine a first multicast address from a plurality of multicast addresses based on a data transmission rate of a transmission connection of the receiver. Rather, Deshpande merely teaches that the server 86 periodically reclusters the receivers based on their reported bandwidths and it is the server 86. The Office responds by asserting that Deshpande discloses "a system wherein the servers collect information about the bandwidths being experienced by the receivers, and creates multiple streams of a video corresponding to different video resolutions. In the background, Deshpande . . . teaches that *these* different video streams can be delivered as a plurality of multicast addresses than an individual subscriber can subscribe to, depending on their bandwidth. This subscribing to a multicast address is being interpreted as being equivalent to a receiver determining a multicast address." *Final Action*, p. 2 (emphasis added).

A detailed discussion of the relevant teachings of Deshpande is provided at page 2 of the Second Previous Response. As a first issue, while the background of Deshpande discloses that prior-art systems implement receiver-subscribed multicasting of different video streams, the detailed description of Deshpande pertaining to the invention of Deshpande fails to disclose the use of receiver-subscribed multicasting. To wit, it is clear from the background section that the inventors of Deshpande were aware of multicasting techniques, but multicasting is never mentioned or otherwise referenced in the detailed description section that describes the actual invention of Deshpande. The omission of any mention of multicasting in this section tends to discredit the assertion that the video streams generated by the clustering technique of Deshpande are distributed via receiver-subscribed multicasting.

As a second issue, the disclosure of Deshpande fails to suggest to one of ordinary skill in the art that *receiver-subscribed* multicasting can be used in the clustering system of Deshpande. As described in the First and Second Previous Responses, Deshpande discloses a technique whereby display receivers periodically report their local reception bandwidths, which are used by the server 86 to group the display receivers in clusters having similar local reception bandwidths, and the server 86 then provides to each cluster of display receivers a version of a video stream that is compatible with the local reception bandwidth of the cluster.

Referring to the example operation of the system as taught by Deshpande described at pages 4 and 5 of the Second Previous Response, the clustering of display receivers can change over time, and thus the video stream provided to each display receiver can change. If the Office's assertion that the display receivers of Deshpande themselves select or subscribe to a multicast address associated with the cluster/video stream suitable to its local receiver bandwidth is correct, then each display receiver would need to know (1) when it has been reassigned to a different cluster; and (2) the multicast address of the new cluster to which it has been assigned. Turning to the disclosure of Deshpande, there is no mention of informing the display receivers of a change in clustering in any manner. It is also seen that Deshpande does not disclose or suggest that any address information associated with the cluster to which a display receiver has been assigned is provided to the display receiver in any manner. Without either of these pieces of information, it is unclear as to how the display receivers of Deshpande would know when to switch to a different video stream due to changing bandwidth conditions and to which multicast address the display receiver should subscribe to in order to receive the new video stream.

Rather, as discussed above and in the First and Second Previous Responses, the periodically readjusted clustering as taught by Deshpande is accomplished by changing the video stream transmitted to a display receiver *at the server 86* in response to a change in the cluster to which the display receiver is assigned, rather than having the display receivers play an active role in reassigning themselves to new video streams when clustering changes. Thus, as it is the server 86 that assigns video streams to particular display receivers based on their bandwidth, rather than the display receivers selecting their own video streams based on their bandwidth, Deshpande fails to disclose or suggest at least the features of "determining, *at the networked display device*, a first *multicast address* from a plurality of multicast addresses based on the first data transmission rate [of a transmission connection of the networked display device], each of the plurality of multicast addresses associated with a corresponding version of a plurality of versions of a video stream."

The teachings of Deshpande and Hinderks cannot be combined as proposed by the Office

At page 4 of the Final Action, claim 61 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Deshpande in view of Hinderks (U.S. Patent Publication No. 2002/0067730 A1). As discussed in greater detail at pages 6 and 7 of the Second Previous Response, the main

thrust of the system of Deshpande is to use the display receiver's bandwidth feedback to appropriately cluster the display receivers for transmission of the appropriate data streams. Thus the implementation of a one-way network as taught by Hinderks in Deshpande (by removing the bandwidth feedback path of the display receivers) would destroy the functionality of the system of Deshpande as a one-way network would prevent the receivers from delivering the RTCP reports to the server. Accordingly, one would not find it obvious to combine the teachings of Deshpande and Hinderks as proposed by the Office when considering the teachings of Deshpande and Hinderks in their entireties.

The proposed combination of Cheriton, Deshpande, and Schober fails to disclose or suggest determining at a display device a select channel of a plurality of channels of a multicast channel based on the data transmission rate

At page 7 of the Office Action, claim 31 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheriton (U.S. Patent No. 6,831,971) in view of Deshpande and further in view of Schober (U.S. Pat. App. Pub. No. 2001/0044835). Claim 31 recites the features of "determining at the display device a select channel of a plurality of channels of a multicast channel based on the data transmission rate." The Office asserts that Cheriton teaches "subscribing at the display device to a first channel of a plurality of channels" but acknowledges that Cheriton fails to teach that the subscribing is based on a data transmission rate, for which the Office relies on Deshpande under the same rationale described above. *See Final Action*, p. 7.

As discussed above, while Deshpande may disclose determining a data transmission rate for a display device, Deshpande fails to disclose or suggest that it is the display device that selects a channel from a plurality of channels based on the data transmission rate. Rather, Deshpande teaches that it is the server, not the receiver (the alleged display device), that determines the clusters and determines what data transmission rates to apply to a data stream based on the determined clusters. Turning to Cheriton, as discussed at pages 1 and 2 of the Remarks in Support of the Pre-Appeal Brief Request for Review mailed January 18, 2007, Cheriton instead teaches that each subscriber 550 joins the same "single source multicast group (S, G)" and it is the NAT compatible switch 300 (which is separate from the subscribers 550) that remaps different multicast streams to different subscriber groups via virtual network address translation mapping such that "subscribers 550 to such a single-source, virtual host multicast would likely be unable to detect a source transition because *all of the traffic will appear to the*

subscribers [550] as originating from a single virtual host (S, G)". *See, e.g., Cheriton*, col. 3, lines 22-41, col. 3, line 65 – col. 4, line 53, and col. 5, lines 19-21 (emphasis added). Further, as discussed in greater detail in the First and Second Previous Responses, a subscriber 550 subscribes to the same multicast address, and it is the NAT compatible switch 300 that determines which of the low-resolution channel or the high resolution channel is to be transmitted to the subscriber 550. Therefore, it is the NAT compatible switch 300, rather than the subscriber 550/display device, that determines the select channel of a plurality of channels, and not the **display device** as recited by claim 31. Accordingly, Cheriton fails to disclose or suggest at least the features of "determining **at the display device** a first channel of a plurality of channels" as recited by claim 31. Further, as Deshpande fails to disclose these features and as the Office does not assert that Schober discloses or suggests these features (and in fact Schober does not disclose or suggest these features), the proposed combination of Cheriton, Deshpande, and Schober fails to disclose or suggest the claimed features of "determining at the display device a first channel of a plurality of channels," much less that the first channel is determined based on a data transmission rate between the display device and a wireless access point as provided by claim 31.

Conclusion

As discussed above, the Office fails to establish that the proposed combinations of the cited references disclose or suggest each and every element recited by any of the pending claims. Accordingly, reconsideration and withdrawal of these rejections is respectfully requested.

Respectfully submitted,

/Ryan S. Davidson/   January 28, 2008
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